



ADP BULLETIN

Title: Spring Updates and Reminders for Residential Alcoholism or Drug Abuse Recovery or Treatment Facilities		Issue Date: April 1, 1998 Expiration Date:	Issue No. 98-13
Deputy Director Approval Robert L. Jackson, R.Ph. Quality Assurance Division	Function <input type="checkbox"/> Information Management <input checked="" type="checkbox"/> Quality Assurance <input type="checkbox"/> Service Delivery <input type="checkbox"/> Fiscal <input type="checkbox"/> Administration	Supersedes Bulletin/ADP Letter No.	

PURPOSE

The purpose of this bulletin is to share new information and comment on some of the problems encountered regarding licensing residential alcoholism or drug abuse recovery or treatment facilities. It is our intent to facilitate better communication and rapport with providers during licensing reviews and complaint investigations, and to reduce deficiencies.

DISCUSSION

License Format

The format of the license is being modified to identify facilities that provide detoxification services, admit both male and female residents, house residents and their dependent children, or have been granted a waiver to serve adolescents. Therefore, it is essential to notify the Department of Alcohol and Drug Programs (ADP), Licensing and Certification Branch, prior to adding or deleting any of these services.

Notifying the Department of Changes

The California Code of Regulations (CCR), Title 9, Section 10513, states that the licensee shall not operate a facility beyond the conditions and limitations specified on the license. Licensees are reminded to notify the Licensing and Certification Branch prior to changing their legal name (including corporate mergers, dissolutions of partnerships, etc.), moving to another location, increasing the total occupancy or treatment/recovery capacity of the facility, or changing any of the special conditions identified on the license.

Fire Clearance

Each licensed facility must have an approved Fire Safety Inspection Request Form (STD. 850 form) that identifies all of the following: the total occupancy, the treatment/recovery capacity, and the number and age range of any dependent children that may be housed at the facility. The portion of the STD. 850 form that specifies “capacity” should be completed to indicate the total occupancy. Total occupancy is defined as the maximum number of people who live at the facility and includes residents receiving recovery, treatment, or detoxification services; children of residents; and staff (volunteers that receive “in kind” services such as room and board are considered staff). The treatment/recovery capacity refers to the maximum number of residents who receive recovery, treatment, or detoxification services at any one time. The number of dependent children refers to the maximum number of children who spend one or more nights at the facility with a parent or guardian, and includes children that stay temporarily at the facility such as on weekends.

It is important that the licensee maintain a valid and accurate fire clearance for the facility. If the target population of the facility changes to include the dependent children of residents, this needs to be reflected on an approved fire clearance. Should the fire clearance be withdrawn or denied by the local fire authority, CCR, Title 9, Section 10529(c) specifies that the license automatically expires.

Legislation

The Business and Professions Code Section 719 was changed pursuant to Senate Bill 685, Chapter 444, Statutes of 1995. The Section details the penalties (imprisonment up to three years and fines up to \$10,000) for any person holding himself or herself out to be an alcohol and drug abuse counselor who engages in acts of sexual intercourse, sodomy, oral copulation, or sexual contacts with a client. This also extends to former clients when there was a counselor/client relationship and the counselor/client relationship was terminated to engage in the relationship (unless the client was referred to another counselor recommended by a third party).

Denial of Entry to Licensed Facilities

This past year, some licensees or their staff were unaware of ADP’s authority to conduct unannounced licensing reviews and complaint investigations. As a result, department employees were refused access to the facility premises. Please be advised that Health and Safety Code Section 11834.35 provides authority for employees or agents of ADP, upon presentation of proper identification, to enter and inspect any building, premises and records with or without (i.e., unannounced) notice to secure information regarding compliance with the licensing regulations. The Department has taken legal action to gain entry via an inspection warrant when the licensed provider did not comply. The cost of obtaining such a warrant is borne by the licensee. In order to

avoid such a situation, please train your staff regarding these requirements. Please be sure that someone is designated in charge during the absence of the regular administrative personnel pursuant to CCR, Title 9, Section 10564(a)(2).

Notice of Deficiency

It is important for the licensee who is cited for a deficiency to respond to the notice of deficiency in a timely manner. Failure to submit a response that is postmarked no later than the date specified in the notice of deficiency can result in a civil penalty (CCR, Title 9, Section 10545).

Tuberculosis (TB) and Hepatitis

As you may know, many infectious diseases are at epidemic proportions. This past year, two facilities reported outbreaks of hepatitis. For the health and safety of your staff and residents, it is important to provide health screening. Facilities are reminded to keep TB tests up-to-date with a copy of the results of the tests in the staff and resident files [CCR, Title 9, Sections 10564(c)(1) and 10567(b)].

Admission Agreement

An up-to-date admission agreement is not only required by regulations, but is essential in minimizing misunderstanding and complaints from residents regarding unclear termination policies, refund agreements, and program expectations. Please review your admission agreement to ensure that it is current. The CCR, Title 9, Section 10566, addresses the requirements of the admission agreement used by the licensee. At a minimum, the admission agreement must specify the following:

- Services to be provided
- Payment provisions
 - amount assessed;
 - payment schedule; and
 - refund policy
- Those actions, circumstances or conditions which may result in resident eviction from the facility.
- The consequences when a resident relapses and consumes alcohol and/or nonhealth sustaining drugs.
- Conditions under which the agreement may be terminated.

Facilities Serving Both Males and Females

Licensees are reminded that facilities that provide services to both males and females are required to meet the following additional regulations:

CCR, Title 9, Section 10581(f). Buildings and Grounds:

- (1) “. . . separate and adequate toilet, hand washing, and bathing facilities for females and males. Such facilities shall be in proximity of designated sleeping areas.” (Adequate is defined in CCR, Title 9, Section 10584(h) as one facility [bathing, hand washing, and toilet] for every eight residents.),
- (2) “Separate and adequate sleeping areas for females and males . . .,” and
- (3) “Twenty-four (24) hour staff coverage. . . .”

The regulations specifically state that providers that serve both males and females shall have separate toilet, hand washing, and bathing facilities. As such, scheduling a single bathroom to serve both males and females under a set time arrangement is not allowed under the regulations. Licensees that have a single bathroom should modify the facility to provide a sufficient number of bathrooms for each sex. Additionally, it is important to clarify that if a facility has one license with multiple addresses where males and females reside in different houses, the facility must provide 24 hour staff coverage and each house must have adequate bathroom facilities for the residents of that house.

Prescription Medications

ADP staff met with representatives of the Board of Pharmacy and the California Medical Board to discuss the handling of residents’ medications by facility staff. It was clarified that staff may store medications that are prescribed to residents and give out the medications as prescribed.

Department of Corrections Programs:

ADP and the Department of Corrections (CDC) met recently to discuss licensing facilities which have contracts with the CDC. The following summarizes the agreements of the meeting:

- **Community Correctional Facilities:**

This refers to those facilities which are located in a community setting and house and provide alcohol or drug recovery or treatment services to CDC custodial residents. Such programs are known as Community Prisoner Mother Programs (CPMPs). The CDC custodial residents are governed under CCR, Title 15. Therefore, ADP will no longer license these facilities.

- **Pregnant and Parenting Women's Alternative Sentencing Act (PPWASA):**

In accordance with Penal Code Section 1174.2(b), residential PPWASA programs (known as Family Foundation programs) are required to be licensed by ADP.

- **"Hybrid" Facilities:**

These are defined as those facilities which provide residential alcohol or drug recovery or treatment services to both noncustodial residents and CDC custodial residents. In accordance with the CDC contract, the custodial residents are not commingled with noncustodial residents; however there may be common areas used by both populations at different times, i.e., kitchens, dining areas, etc. In such facilities, ADP will license the noncustodial portion of the facility and all common areas used by CDC custodial residents, noncustodial residents, and when applicable, their dependent children.

REFERENCES (in the order cited)

CCR, Title 9, Section 10513 (Adherence to Express Conditions of Licensure)
CCR, Title 9, Section 10529(c) (Automatic Expiration of License)
Business and Professions Code Section 719 (Sexual Misconduct)
Health and Safety Code Section 11834.35 (Inspection of Premises, Failure to Allow Inspection, Legal Action)
CCR, Title 9, Section 10564(a)(2) (Continued Operation During Absence of Administrative Personnel)
CCR, Title 9, Section 10545 (Development of a Corrective Action Plan)
CCR, Title 9, Sections 10564(c)(1) and 10567(b) (Resident Health Screening, Tuberculosis Test)
CCR, Title 9, Section 10566 (Admission Agreements)
CCR, Title 9, Section 10581(f) (Housing Male and Female Residents)
CCR, Title 9, Section 10584(h) (Adequate Bathing, Hand Washing and Toilet Facilities)
CCR, Title 15 (Minimum Standards for Local Detention Facilities)
Penal Code Section 1174.2(b) (Pregnant and Parenting Women's Alternative Sentencing Program Act)

HISTORY

Not Applicable.

QUESTIONS/MAINTENANCE

Questions regarding these issues may be directed to your assigned analyst in the Licensing and Certification Branch or to the Officer of the Day at (916) 322-2911.

EXHIBITS

Exhibit No. 1: [A listing of Licensing and Certification Branch staff and their telephone numbers.](#)

DISTRIBUTION

Residential Alcoholism or Drug Abuse Recovery or Treatment Facilities
County Alcohol and Drug Program Administrators
Wagerman Associates, Inc.
Director's Advisory Council (DAC)
Social Model Recovery Systems, Inc.
California Association of Addiction Recovery Resources

**Department of Alcohol and Drug Programs
Licensing and Certification Branch**

OFFICER FOR THE DAY

(916) 322-2911

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• Kevin Furey (Support) 327-8597

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• Lou Loera 322-0058
• David Galindo 445-5085
• Paula Poce 324-0837
• Fred Williams 323-3041

Complaint Investigation:

Connie Scott, Supervisor 323-1846
• Dennis Dunn 445-0431
• Linda Bradley 323-1699
• Rose Hewitt 327-9226
• Edward R. Hocking 327-3722
• Robert Miller 322-4252
• Oscar Villegas 327-7473

Special Projects (including Drug Medi-Cal (D/MC) and Support Staff:

Chuck Browning, Supervisor 322-2510
Special Projects:
• Katherine Booth 323-1843
• Lois MacNeil 323-1806
• Jerry Vaughn 323-2000
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• Katherine Shiroy 327-8598

- Diane Sinclair

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